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Attorney's Docket No. 8668.2029

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

JG530 U.S. PTO
09/07/95 48
01/07/00

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Matthijs P. SMITS
Bryan P. FLAHERTY

For (title): HEARING EVALUATION DEVICE WITH NOISE DETECTION AND
EVALUATION CAPABILITIES

1. Type of Application

This new application is for a(n)

- Original (nonprovisional)
- Design
 - Plant
- Divisional.
- Continuation.
- Continuation-in-part (C-I-P).

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service

on this date January 7, 2000, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL 228 702 035 US, addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

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2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

This new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed That Are Required for Filing Date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

12	Pages of specification
7	Pages of claims
1	Pages of Abstract
6	Sheets of drawings

formal
 informal
 The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWINGS." 37 C.F.R. 1.84(b).

4. Additional papers enclosed

Preliminary Amendment
 Information Disclosure Statement (37 C.F.R. 1.98)
 Form PTO-1449 (PTO/SB/08A and 08B)
 Citations
 Declaration of Biological Deposit
 Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
 Authorization of Attorney(s) to Accept and Follow Instructions from Representative
 Special Comments
 Other-

5. Declaration or oath

Enclosed is an unexecuted original declaration/power of attorney

Executed by

inventor(s).

legal representative of inventor(s).
37 C.F.R. 1.42 or 1.43.

joint inventor or person showing a proprietary interest on behalf of inventor who refused to sing or cannot be reached.

This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. *See item 13 below for fee.*

Not Enclosed.

Application is made by a person authorized under 37 CFR 1.41(c) on behalf of *all* the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).

Showing that the filing is authorized.
(not required unless called into question. 37 CFR 1.41(d))

6. Inventorship Statement

The inventorship for all the claims in this application are:

The same.

or

Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made.

is submitted.

will be submitted.

7. Language

English

Non-English

The attached translation is a verified translation. 37 C.F.R. 1.52(d).

8. Assignment

An assignment of the invention

is attached. A separate "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or FORM PTO 1595 is also attached.

will follow.

The prior application is assigned to , recorded at reel/frame numbers .

9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. no.	Filed

from which priority is claimed

is (are) attached.

will follow.

10. Fee Calculation (37 C.F.R. 1.16)

A. Regular application

CLAIMS AS FILED				
Number filed		Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$760.00
Total				
Claims (37 CFR 1.16(c))	27	- 20 =	7	x \$ 18.00 = \$126.00
Independent Claims (37 CFR 1.16(b))	13	- 3 =	10	x \$ 78.00 = \$780.00
Multiple dependent claim(s), if any (37 CFR 1.16(d))				+ \$ 260.00 =

Amendment canceling extra claims is enclosed.
 Amendment deleting multiple-dependencies is enclosed.
 Fee for extra claims is not being paid at this time.

	Filing Fee Calculation	\$760
B. <input type="checkbox"/> Design application (\$330.00 - 37 CFR 1.16(f))	Filing Fee Calculation	\$
C. <input type="checkbox"/> Plant application (\$530.00 - 37 CFR 1.16(g))	Filing Fee Calculation	\$

11. Small Entity Statement(s)

Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is (are) attached. will follow.

Status as a small entity was claimed in prior application

/ , filed on , from which benefit
is being claimed for this application under:

35 U.S.C. 119(e),
 120,
 121,
 365(c),

and which status as a small entity is still proper and desired.

A copy of the verified statement in the prior application is included.

Filing Fee Calculation (50% if A, B or C above) \$ _____

12. Request for International -- Type Search (37 C.F.R. 1.104(d))

(complete, if applicable)

Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

Not Enclosed

No filing fee is to be paid at this time.
(This and the surcharge required by 37 C.F.R. 1.16(e) can be paid subsequently.)

Enclosed

Basic filing fee \$ 760

Recording assignment (\$40.00; 37 C.F.R. 1.21(h))
(See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION") \$ _____

Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 C.F.R. 1.52(d) and 1.17(k)) \$ _____

For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. 1.52(d) and 1.17(k)) \$ _____

Processing an retention fee (\$130.00; 37 C.F.R. 1.53(d) and 1.21(l)) \$ _____

Fee for international-type search report (\$40.00; 37 C.F.R. 1.21(e)) \$ _____

Total fees enclosed \$ _____

14. Method of Payment of Fees

Check in the amount of _____

Charge Account No. _____ in the amount of \$.

A duplicate of this transmittal is attached.

15. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees required by this paper and during the entire pendency of this application to Account No. 15-0665.

37 C.F.R. 1.16(a), (f) or (g) (filing fees)

37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)

37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. 1.17 (application processing fees)

37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

16. Instructions as to Overpayment

Credit Account No.

Refund



SIGNATURE OF ATTORNEY

Reg. No. 31,110

Robert M. Isackson

(type or print name of attorney)

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Robert M. Isackson
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New York, New York 10103-0001

Incorporation by reference of added pages

Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added _____

Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added _____

Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

Statement Where No Further Pages Added

This transmittal ends with this page.